

**REMARKS**

In the Office Action of August 14, 2003 the Examiner objected to the Drawings and Claim 13. Claims 1- 23 are rejected as anticipated or obvious in view of Greenspun or Belcher. Claim 23 is objected to as a duplicate of Claim 20.

In response to the rejections based on anticipation, applicant has amended the claims to the subject of claim 3 and 17. Applicant respectfully traverses the rejection of the subject matter of claims 3 and 17, and requests reconsideration thereof in view of the following remarks. The subject matter of these claims has been incorporated into independent claims 1, 11, 15 and 24.

Applicants invention is a method for locating assets using a wireless communication network and a mobile unit that carries out the method. In particular the method enables a mobile unit associated with an asset to send location identification signals in a manner that does not interfere with ongoing network communications and avoids collisions with other transmitters in the system. As presently claimed when interference is detected on a first channel, the mobile unit monitors a second channel and transmits the location identification signal on the second channel, if the second channel is clear.

In rejecting claims 3 and 17, the Examiner asserts that it would have been obvious to increase capacity to provide more than one channel to thereby increase the number of assets to be tracked in the system of Greenspun and/or Belcher. Assuming this position to be correct, the resulting system does not render the claimed subject matter obvious. In order to increase tracking capacity, as the Examiner suggests, it would be appropriate to assign each mobile asset a single channel and to allocate approximately equal assets to each channel. This is not the subject matter specified in the amended independent claims, wherein the mobile units automatically sample the traffic on multiple channels and then transmit on a channel that is free


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of interfering transmissions. Accordingly, taking the Examiner's premise to be true as stated, the claimed subject matter is not rendered obvious.

In the event the Examiner is suggesting that of his personal knowledge it is known in the art of location detection to detect the signal level on different channels and select a channel for transmission, it is requested that this position be supported by a Declaration under 37 CFR 1.107 (b).

In view of the amendments and remarks set forth above, it is believed that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
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